

SEP. 2 1993

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WRITER'S DIRECT DIAL NUMBER

(202) 682-3501

September 2, 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: Amendment of Section 73.202(b)  
Table of Allotments, FM Broadcast Stations  
Fairview, Pennsylvania  
KDC, Inc.

Dear Mr. Caton:

On behalf of KDC, Inc., we are filing herewith an original and four copies of its "Petition for Rulemaking" to assign Channel 298A to Fairview, Pennsylvania.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &amp; HANDLER

By: 

Allan G. Moskowitz

**RECEIVED****SEP. 2 1993**

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In Re

Amendment of Section 73.202(b)	)	
Table of Allotments, FM Broadcast	)	
Stations	)	MM Docket No.
Fairview, Pennsylvania	)	RM No.
	)	
TO: Chief, Policy & Rules Division		

**PETITION FOR RULEMAKING**

KDC, Inc. pursuant to Section 303 of the Communications' Act of 1934, as amended, hereby petitions for rulemaking to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to request the assignment of FM Channel 298A (107.5 MHz) to Fairview, Pennsylvania. In support thereof, the following is respectively shown.

1. The community of Fairview, Pennsylvania had a 1990 U.S. Census population of 1,998 and its population has grown over 8% since 1980, yet the community has no local radio station. KDC submits that the public interest would be served by allocation of Channel 298A to Fairview as that community's first local aural service.

2. KDC, Inc. has the present intention of submitting an application for a new FM radio station construction permit for Channel 298A at Fairview if the Commission assigns that channel.

Further, KDC, Inc. presently commits itself to construct the station as expeditiously as possible if its application is granted.

3. Attached hereto as Exhibit 1 is the engineering statement of Glen Clark of Glen Clark & Associates, consulting engineer to KDC, Inc. Mr. Clark's statement indicates that Section 73.202(b) of the Commission's rules could be amended to include the allocation of Channel 298A at Fairview, Pennsylvania pursuant to the Commission's allocation criteria and in compliance with Section 73.207 of the Commission's Rules.

WHEREFORE, for the foregoing reasons, KDC, Inc. respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules to allocate Channel 298A for a new full service FM Radio Station for Fairview, Pennsylvania.

Respectfully submitted,

KDC, Inc.

By: 

Allan G. Moskowitz  
Its Attorney

KAYE, SCHOLER, FIERMAN, HAYS &  
HANDLER  
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September 2, 1993

**ENGINEERING REPORT**

**IN SUPPORT OF  
PETITION TO AMEND FM TABLE OF ALLOTMENTS  
TO ADD CHANNEL 298A AT  
FAIRVIEW, PENNSYLVANIA**

**KDC, Inc.**

**AUGUST 1993**

**Glen Clark & Associates  
Broadcast Consultants**

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**Greenville, PA**

**ENGINEERING REPORT**

**IN SUPPORT OF  
PETITION TO AMEND FM TABLE OF ALLOTMENTS  
TO ADD CHANNEL 298A AT  
FAIRVIEW, PENNSYLVANIA**

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**EXHIBIT 4 ..... Location of co-ordinates with original  
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**ENGINEER'S AFFIDAVIT**

\* \* \* \* \*

PETITION TO AMEND FM TABLE OF ALLOTMENTS  
TO ADD CHANNEL 298A AT  
FAIRVIEW, PENNSYLVANIA

ENGINEERING STATEMENT

The following materials have been prepared on behalf of KDC, Inc.

Petitioner proposes to amend Part 73.202 of the Commission's Rules to allot channel 298A (107.5 MHz) to Fairview, Pennsylvania. This allotment would constitute a first aural service to that community. Fairview has a borough form of government.

<u>CITY OF LICENSE</u>	<u>BEFORE</u>	<u>AFTER</u>
Fairview	- -	298A

It is proposed that this allotment shall be a Class A allotment with reference to both U.S. and Canadian allocation standards. That is, with reference to all U.S. spacings, it shall be a 6 kilowatt allotment, as specified in the Table in Part 73.211(b) and with regard to spacings required in Table A in Part 73.207(b)(1).

However, with reference to Canadian notification, this proposal shall also be classified as a Class A allotment. This will require limiting the radiated power to a value of 3 kilowatts on all azimuths of departure which would reach the Canadian border in fewer than 320 kilometers. This is because 6 kilowatt facilities are classified as Class B1 according to Canadian standards.

While it is not possible, following the effective date of MM Docket 88-375, to propose an allotment which complies only with the spacings which were contained in Part 73.207(b)(1) prior to that Docket (i.e. one cannot propose a "new" domestic 3 kilowatt FM allotment), the instant proposal complies fully with all present, required, domestic spacings in Table A at Part 73.207(b)(1) and all present, required, Canadian spacings in Table B at Part 73.207(b)(2), and is therefore grantable.

Exhibit 1 is a computer printout showing the allocation situation created by assigning Channel 298A at co-ordinates 42-01-46 North, 80-15-21 West. Exhibit 2 is a plot of the protection arcs required by Part 73.207 for that site. The arc having the greatest impact on the instant proposal is the required spacing to the vacant, Class A allotment at Welland, Ontario, Canada. Note that, as this proposal will be notified as a Class A facility for international co-ordination purposes, the radius of the protection arc to the Welland allotment is 132 kilometers, as proscribed in Table B in Part 73.207(b)(2).

Exhibit 3 shows that the proposed reference co-ordinates are located within the proposed City of License, thereby guaranteeing full compliance with Part 73.315(a) and (b) and negating the need for any site restriction on the allotment. Exhibit 4 is a similar figure, again showing the proposed reference co-ordinates. However, the printed latitude and longitude calibrations of the base map are visible in this showing.

\* \* \* \* \*

\*\*\*\*\*  
 \* PROGRAM FMSRCH \*  
 \* COPYRIGHT 1986 AND 1991 BY GLEN CLARK \*  
 \* VERSION 1.4 - 10 AUG 1991 \*  
 \*\*\*\*\*

STUDY NAME - FAIRVIEW PA

SEARCHED FROM CHANNEL 298 TO CHANNEL 298.  
 CLASS OF CHANNEL STUDY: A  
 THE BUFFER DISTANCE IS - 50.00 KM.  
 CLASS D STATIONS NOT INCLUDED IN PRINTOUT.

REFERENCE CO-ORDINATES: 42 1 46 North Latitude  
 80 15 21 West Longitude

CITY/STATE/COUNTRY	CALL	POWER	HEIGHT	TD2	STATUS	CHANNEL	BUFFER	REQ	DIST	AZIMUTH	LATITUDE	LONGITUDE	FILE #
CHANNEL 298													
Welland	ON CA	0.00	0	NNN	FA	298A	2.4	132.0	134.40	37.5	42 59 0	79 15 0	
Stratford	ON CA	0.00	0	NNN	FA	298A	27.1	132.0	159.06	339.4	43 22 0	80 57 0	
Lakewood	NY US	0.00	0	NNN	FR ADD	295B1	31.7	48.0	79.69	90.8	42 0 54	79 17 38	RM8033
Cleveland	OH US WENZ	16.00	272	NYN	FM LIC	300B	37.2	69.0	106.24	234.1	41 27 54	81 17 13	BLH870220KG
Cleveland	OH US	0.00	0	NNN	FA USED	300B	37.3	69.0	106.30	234.3	41 28 3	81 17 25	
Greenville	PA US	0.00	0	NNN	FA USED	296A	41.6	31.0	72.59	190.2	41 23 10	80 24 35	
Greenville	PA US WEXC	3.00	73	NNN	FM LIC	296A	41.6	31.0	72.59	190.2	41 23 10	80 24 35	BLH5859
Wheeling	WV US	0.00	0	NNN	FA USED	298B	44.5	178.0	222.51	190.9	40 3 41	80 45 8	
Wheeling	WV US WEGW	10.50	269	NNN	FM CP	298B	44.5	178.0	222.51	190.9	40 3 41	80 45 8	BPH9204031E
Wheeling	WV US WEGW	12.50	265	NNN	FM LIC	298B	44.5	178.0	222.51	190.9	40 3 41	80 45 8	BLH3032
Dubois	PA US WDBA	50.00	152	NNN	FM LIC	297B	47.3	113.0	160.27	125.1	41 11 28	78 41 27	BLH6868
Dubois	PA US	0.00	0	NNN	FA USED	297B	47.3	113.0	160.27	125.1	41 11 28	78 41 27	

STUDY COMPLETE.  
 12 RECORDS PRINTED.

# EXHIBIT 1

SPACINGS OF INTEREST  
 PROPOSED Ch298A, FAIRVIEW, PA

August 1993

KDC, Inc.



PROTECTION REQUIREMENTS FOR CH298A AT FAIRVIEW, PA

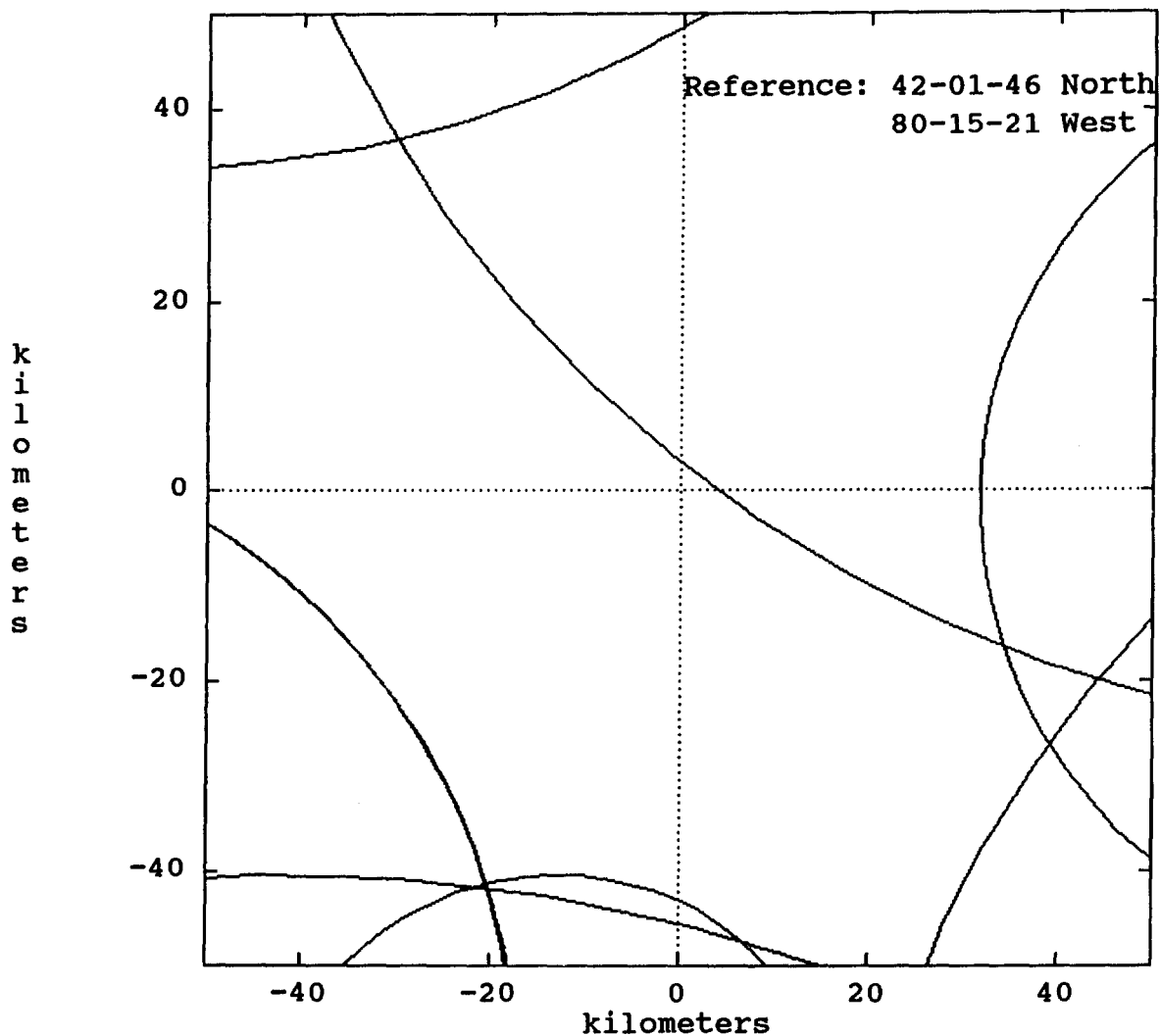


EXHIBIT 2

PLOT OF RELEVANT PROTECTION ARCS

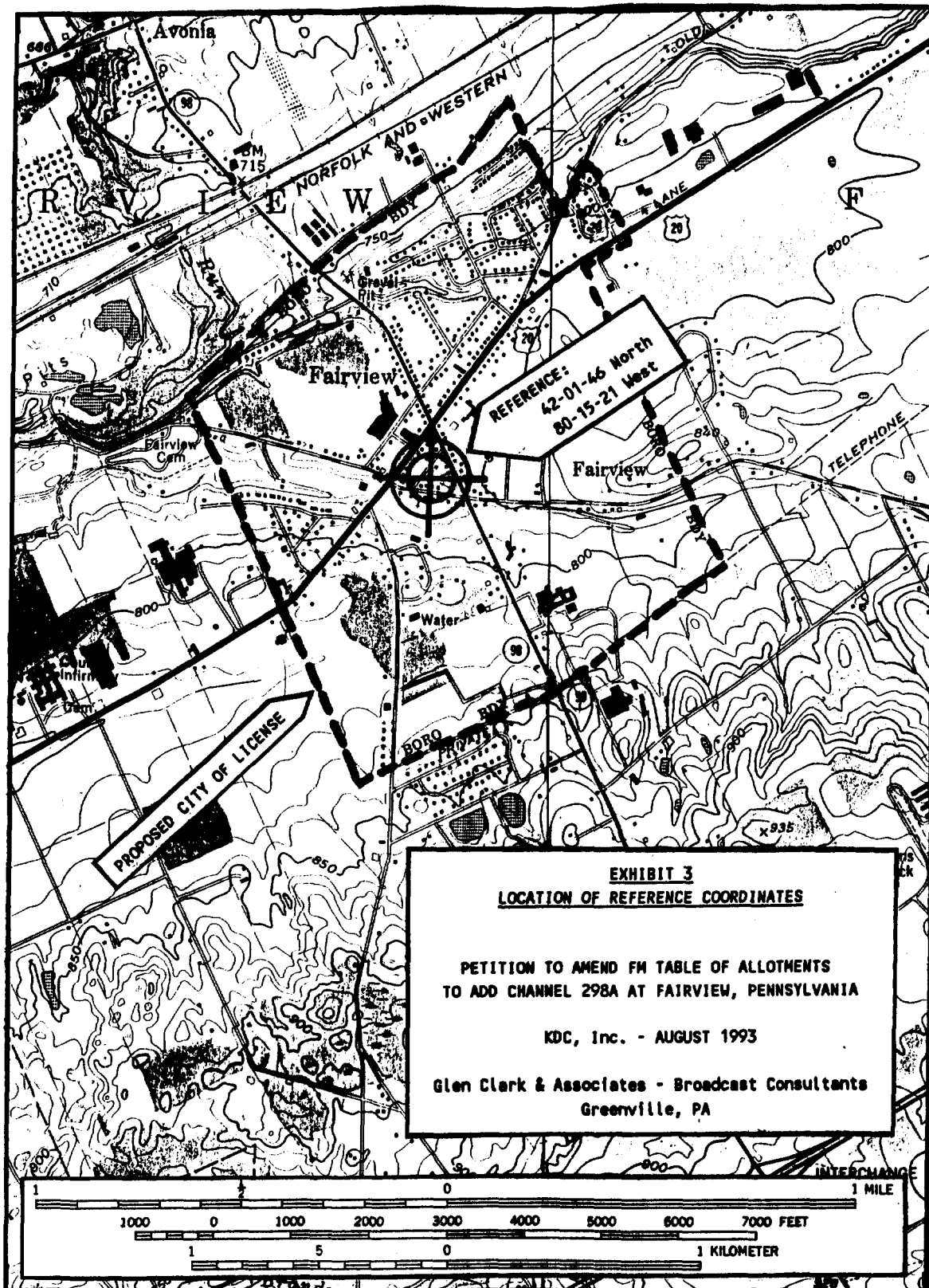
PETITION TO AMEND FM TABLE OF ALLOTMENTS  
TO ADD CHANNEL 298A AT FAIRVIEW, PENNSYLVANIA

KDC, Inc.

AUGUST 1993

Glen Clark & Associates  
Broadcast Consultants

\_\_\_\_\_  
Greenville, PA

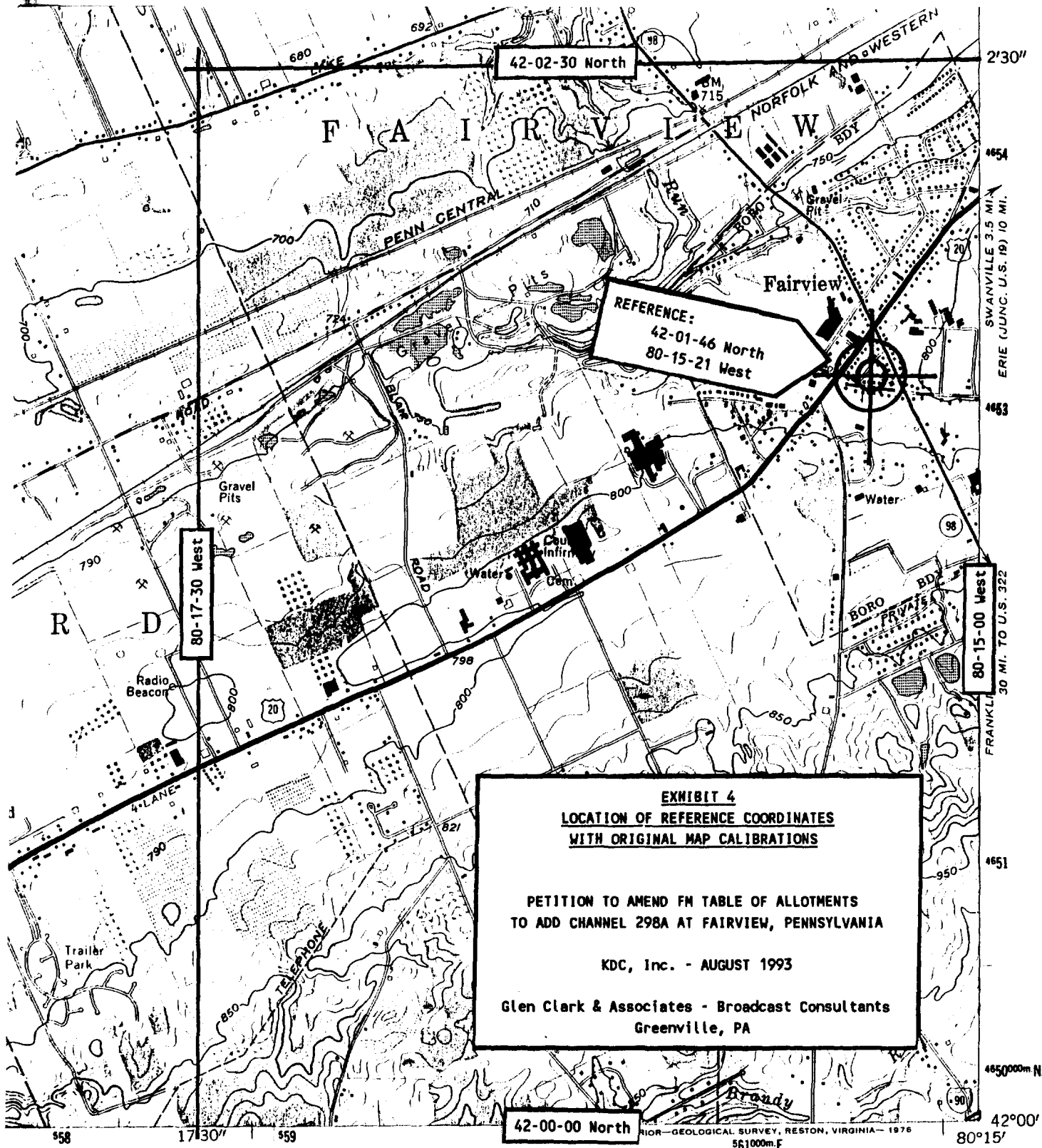


**EXHIBIT 3**  
**LOCATION OF REFERENCE COORDINATES**

PETITION TO AMEND FM TABLE OF ALLOTMENTS  
TO ADD CHANNEL 298A AT FAIRVIEW, PENNSYLVANIA

KDC, Inc. - AUGUST 1993

Glen Clark & Associates - Broadcast Consultants  
Greenville, PA



#### ROAD CLASSIFICATION

Heavy-duty ——— Light-duty ———  
 Medium-duty ——— Unimproved dirt ———

U. S. Route

State Route

Interstate Route

FAIRVIEW, PA.

N4200—W8015/7.5

1957  
 PHOTOREVISED 1969 AND 1975  
 AMS 4988 III SE—SERIES V831

(EDINBORO NORTH)  
 4967' NW

A F F I D A V I T

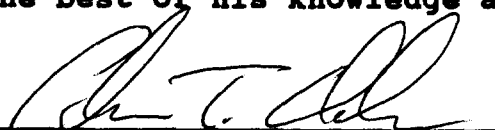
CITY OF GREENVILLE )

COMMONWEALTH OF PENNSYLVANIA )

ss:

GLEN T. CLARK, having been duly sworn, deposes and says that:

- 1) he is a regularly-practicing broadcast consultant, with offices in Greenville, Pennsylvania.
- 2) his qualifications are on file with the FCC.
- 3) he holds a BSEE degree from the Pennsylvania State University.
- 4) he is a registered Professional Engineer in the State of Georgia.
- 5) he has been retained by KDC, Inc. to prepare the attached Engineering Report.
- 6) the attached Engineering Report was prepared by him or under his supervision, and that it is true and correct to the best of his knowledge and belief.

  
Glen T. Clark, P.E.  
Georgia Registration #18713

Subscribed and sworn before me this 31 day of August, 1993

My commission expires

Feb. 4, 1997

  
Notary Public, Pennsylvania

